

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO.
)	2:93cr310-MHT
ROSA MAE SMILEY WILLIAMS)	(WO)

OPINION

This matter is before the court on defendant Rosa Mae Smiley Williams's motion for reduction of sentence. Following the passage of the Fair Sentencing Act of 2010, Pub. L. 111-220, and the United States Sentencing Commission's issuance of retroactive sentencing guidelines for crack cocaine cases, this court established a Retroactivity Screening Panel to determine whether a defendant might be eligible for a reduction of sentence. In this case, the panel was unable to recommend unanimously a particular reduction, although the panel was in agreement that the applicable amended Guideline range was 360 months to life. The court appointed counsel for Williams to address the matter.

The parties have since agreed that a sentence of 360 months is appropriate and have recommended that the court impose that sentence. Pursuant to Dillon v. United States, 130 S.Ct. 2683, 2692-93 (2010), and United States v. Melvin, 556 F.3d 1190, 1192-93 (11th Cir. 2009), this court lacks jurisdiction to reduce Williams's sentence below 360 months, the bottom of the amended Guideline range in this case; that reduction is, therefore, the most this court may afford.

Accordingly, defendant Rosa Mae Smiley Williams's motion for reduction of sentence (Doc. No. 1666) will be granted and this court will reduce her sentence to 360 months.

An appropriate judgment will be entered.

DONE, this the 29th day of April, 2013.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE